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BACKGROUND DOCUMENT FOR PROPOSED REVISIONS TO 310 CMR 7.24(6) DISPENSING OF MOTOR VEHICLE FUEL (THE STAGE II VAPOR RECOVERY PROGRAM)

December 1999

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1.0 BACKGROUND

The Stage II vapor recovery program (310 CMR 7.24 (6) Dispensing of Motor Vehicle Fuel) was adopted in November 1989 as one response to the determination that Massachusetts' ambient air quality is in non-attainment for the Federal Clean Air Act's one-hour ozone National Ambient Air Quality Standard (NAAQS). The Stage II program, approved by the US EPA for inclusion in the Massachusetts ozone State Implementation Plan (SIP) to attain and maintain compliance with the ozone NAAQS (Federal Register, Vol. 58, pg. 48315. 9/15/93), is federally enforceable.

In 1997 the Department completed an analysis of 122 randomly selected motor vehicle fuel (gasoline) dispensing facilities where Stage II systems had been installed. The Department's analysis documented three findings:

- a. the aggregate control efficiency of all "vapor balance" type Stage II systems¹ inspected was 91%,² as compared with the 95% required by the Commonwealth's Ozone SIP commitments;
- b. only 54% of the facilities inspected were correctly operated and maintained at the 95% control efficiency standard, as compared to the 90% of facilities required by the Commonwealth's Ozone SIP commitments; and
- c. the overall compliance rate of all facilities inspected, when operation and maintenance, record keeping and compliance testing requirements were taken into account, was 9%.

By proposing to amend the Stage II regulations to require weekly visual inspection of the Stage II system and annual Stage II system compliance testing and facility certification, in conjunction with program streamlining and enhanced program administration, the Department believes the above deficiencies can be efficiently and cost effectively addressed to meet the program effectiveness performance standards required by the Commonwealth's Ozone SIP commitments.

Prior to publication of these proposed amendments, the Department met four times with the Stage II Rule Review Committee (RRC) to receive guidance and comments on the proposed changes. The RRC included representatives from the US EPA, the Massachusetts Petroleum Council, the Independent Oil Marketers Association, and a cross section of Stage II system installation contractors, testing companies, and system manufacturers and suppliers. The Department appreciates the time and effort members of the RRC made to inform the Department of their issues and concerns regarding the current Stage II program and the changes under consideration.

2.0 INTRODUCTION

The Stage II program prevents uncontrolled evaporative emissions of volatile organic compounds (VOCs) to the atmosphere during the dispensing of gasoline to motor vehicles. Included in the Commonwealth's Ozone SIP and applicable to 3000 motor vehicle fuel dispensing facilities statewide, the Stage II program reduces an estimated 9000 tons of VOC emissions annually. The Stage II program is the Commonwealth's second largest source of VOC reductions after the Emissions Checkup program for motor vehicles. In addition to VOC reductions, the Stage II program also dramatically reduces public exposure to human carcinogens such as benzene, 1,3 butadiene and formaldehyde that are found in the evaporative emissions from gasoline.

The Stage II program's estimated 9000 ton VOC emission reduction, as included in the Ozone SIP, is calculated by multiplying the total number of gallons of gasoline dispensed statewide by an emission factor of 11.0 lbs. of VOC per 1,000 gallons of gasoline dispensed.³ The product of this calculation is then multiplied by three

¹ "Vapor balance" systems are one of two types of Stage II system technologies used ("vacuum assist" is the other) and represent 57% of all Stage II systems currently installed in Massachusetts. Calculation of assist type Stage II system control efficiency is not possible due to lack of EPA guidance. However, of the 16 assist type systems inspected, 8 were cited for one or more equipment violations.

² This calculation does not account for incorrectly installed or poorly maintained underground piping or system manifolding identified at some facilities. DEP believes that 91% control efficiency therefore overstates the actual control efficiency rate of balance systems found in the field.

³ United States Environmental Protection Agency, Office of Air Quality Planning and Standards. February 1996. Compilation of Air Pollution Emission Factors, Volume 1: Stationary Point Sources, AP-42 Fifth Edition. Table 5.2-7 Evaporative Emissions From Gasoline Service Station Operations.

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Department assumptions regarding the in-use effectiveness of the program, in the field. Failure to meet any one of these assumptions may reduce the level of emission benefit attributed to the Stage II program under the SIP. Those three assumptions are:

- a. 99% of the gasoline dispensed in Massachusetts is dispensed from facilities equipped with Stage II systems;
- b. the minimum design control efficiency of the Stage II systems installed is 95%; and
- c. all Stage II systems installed in Massachusetts are correctly maintained so that at least 90% of all such systems are operating at 95% control efficiency at any one time.

The Department can document achievement of assumption a. and b. above. The proposed revisions to the Stage II program (Appendix A) are intended to help the Department more efficiently and effectively meet assumption c. To this end, the Department proposes to revise the Stage II program from a program based predominantly on Department inspections to a program based on a facility owner performing and passing annual compliance tests and certifying to compliance with applicable program requirements. In addition, the Department will audit facility certification submittals and compliance testing company compliance with applicable testing protocols and procedures in the field. If adopted, the proposed revisions to the Stage II program will be incorporated by amendment into the Massachusetts Ozone SIP.

3.0 PROPOSED REVISIONS

As proposed, there are four broad areas of program revision: annual compliance testing and certification; compliance testing program integrity; streamlining compliance and enforcement requirements; and enhanced program administration.

3.1 Annual Compliance Testing and Certification

Under the current Stage II regulations, all owners, operators, lessees or controllers (owners) of Stage II systems must perform compliance tests at installation, upon substantial modification of the Stage II system and every five years thereafter. In addition, owners of vacuum assist-type Stage II systems must perform an annual air/liquid ratio test as per their system certification. Under the proposed revisions, all Stage II system owners would be required to certify to performing and passing one or more annual in-use compliance tests, depending on the type of Stage II system. In addition, system owners would be required to certify compliance with all applicable system maintenance and record keeping requirements.

3.2 Compliance Testing Program Integrity

To ensure compliance testing program integrity, the Department is proposing to adopt the following requirements.

- a. Any company performing Stage II compliance tests would be required to submit a one-time notification to the Department prior to providing testing services. Proposed notification includes basic company documentation such as company name, ownership, address and employee training systems.
- b. Compliance tests would only be performed in accordance with the test protocols and procedures cited in the Stage II regulations. Upon completing required compliance tests, all compliance testing companies would be required to certify to the Department to having performed all required compliance tests in accordance with referenced protocols and procedures.
- c. The Department intends to audit compliance testing companies' compliance with applicable testing protocol and procedure requirements by conducting field inspections of compliance testing companies' activities.

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3.3 Streamlining Compliance and Enforcement Requirements

The Department's effort to streamline program compliance and enforcement has two elements. The first would codify into regulation DEP's Stage II Equipment Policy (March 2, 1992) which approved California Air Resources Board (CARB) certified Stage II systems for installation in Massachusetts. By referencing the "terms and conditions" of CARB Executive Orders, the Department will more clearly establish the performance standards by which a Stage II system will be determined to be correctly installed and maintained under 310 CMR 7.24(6)⁴.

The second element is to reorganize program requirements into the following function-based sections:

- a. Applicability and Installation Requirements;
- b. Operation and Maintenance Requirements;
- c. Compliance Testing and Certification Requirements;
- d. Notification Requirements; and
- e. Compliance Testing Company Requirements.

As existing program requirements were incorporated into the reorganized function-based sections, certain existing requirements were eliminated and others adopted so as to enhance and clarify program requirements. In addition, vague or ambiguous language was revised or eliminated as necessary. By reorganizing program requirements in this way, the Department has sought to clarify applicable program requirements and thereby better ensure correct facility operation and maintenance over time.

3.4 Enhanced Program Administration

To manage the documentation the proposed annual testing and certification will entail, the Department will use five new submittal forms (see Appendix B) and is implementing a new Stage II data management system. These new forms are not program requirements subject to a public hearing, but are referenced here as important elements of the Department's effort to manage program compliance documentation efficiently and effectively. To ensure their effectiveness, the Department welcomes public comment on the clarity and format of the forms.

In addition, the new Stage II data management system will also support the Department's smooth implementation of the revised Stage II program. For example, under the proposed revisions, a Stage II facility, where the Stage II system was installed before the effective date of the revised regulations and has not been substantially modified since that date, would have an annual in-use compliance submittal date of sixteen months from the effective date of the regulations, "or a date otherwise provided by the Department," whichever comes earlier. The date the Department will use to establish a facility's annual submittal date will be the most recent date of the tests for that facility shown in the Stage II database. By merging the facility's annual submittal date and the data management system's ability to generate forms, the Department will produce facility-specific In-Use Compliance Certification forms (see Attachment B, Form 3). Each Stage II facility will then receive a notice and this form at least 90 days prior to the facility's annual submittal date. For facilities for which the Department has no test results, the Department will use the data management system to identify annual submittal dates that will result in a stable work load for compliance testing companies throughout the year.

4.0 EMISSIONS AND AIR QUALITY IMPACTS

The proposed revisions are designed to ensure the Stage II program efficiently and cost effectively achieves the compliance rates necessary to ensure the emission reduction benefits attributed to the program.

⁴ Copies of currently applicable CARB Executive Orders may be obtained from CARB either electronically (<http://www.arb.ca.gov/Vapor/Vapor.htm>), by contacting CARB directly at 916-323-0255 or at the following address: California Air Resources Board, Vapor Recovery Program, P.O. Box 2815, Sacramento, CA 95812.

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5.0 ECONOMIC IMPACTS

5.1 Compliance Testing Costs

As presented in the table below, the additional annual cost of performing the proposed compliance tests over the first five years of operation is estimated to average between \$300-760, depending on the type of Stage II system installed. For commercial gas stations, depending on facility size, DEP estimates that the additional cost of gasoline to consumers is between \$0.0003 – 0.003 per gallon dispensed.

First Five Year Compliance Testing Costs Current Program vs. Proposed Program

	Current Program ⁴	Proposed Program ⁵	Added annual Compliance testing cost	Added \$/gal @ 1m g+/year facility	Added \$/gal @ 20-500k g/year facility ⁶
Balance Systems	\$1000 – 1100	\$2500 – 2750	\$300 – 330	\$0.00030 – 0.00033	0.0012 – 0.0013
Assist Systems	\$1400 – 1900	\$2100 – 2850 (first year ⁷) \$700 – 950 (second yr + ⁸) \$4200 – 5700 (five year total)	\$560 – 760	\$0.00056 – 0.00076	\$0.0022 – 0.0030

5.2 Estimated Cost Per Ton of VOC Controlled

Based on the assumptions below, DEP has estimated the cost per ton of VOC controlled under the proposed revisions to the Stage II program.

- a. The aggregate control efficiency rate of 91% for balance systems cited in finding a. of the Background section above is representative of the control efficiency in the field both for balance and for vacuum assist systems.
 - The 91% efficiency rate is 4.2% short of the 95% control efficiency rate required by the Commonwealth's Ozone SIP commitments.
 - 4.2% of 9000 (the number of tons of VOC reduction attributed to the Stage II program in the SIP) = 378.
 - Thus 378 fewer tons of VOC emission reductions are attributable to the aggregate control efficiency rate of only 91%, as compared to the 95% rate required by the Commonwealth's Ozone SIP commitments.
- b. The average annual cost of required compliance tests is \$530, the median between the lower and upper end of the range of testing costs $((300+760)/2)$.
- c. An estimated 2700 facilities are subject to the requirements of the Stage II program.
- d. The estimated total annual cost of Stage II compliance testing is $\$530 \times 2700 = \$1,431,000$.
- e. The estimated cost per ton of VOC controlled is the result of dividing the total annual cost of compliance testing by the annual emission reduction shortfall: $\$1,431,000 \div 378 = \$3,786.71$.

⁴ Assumes performance of all tests as required at installation and every five years.

⁵ Assumes all applicable compliance tests are performed as proposed.

⁶ For calculation purposes, 250,000 gallons/year of gasoline dispensed was used.

⁷ Includes installation/substantial modification tests, 120-day tests and annual tests.

⁸ Includes annual and every-third-year in-use compliance tests as applicable.

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Given the reservations cited in footnotes 1. and 2., this calculated cost of \$3,786.71 per ton of VOC controlled under the proposed amendments is likely to be higher than the actual cost. Still, the cost of \$3,786.71 per ton of VOC controlled is less than half the cost-range (\$10,000 – 13,000 per ton VOC controlled) used by the Department for purposes of VOC BACT determinations.

6.0 OTHER PROGRAM IMPACTS

6.1 Massachusetts Environmental Policy Act (MEPA)

Pursuant to 301 CMR 11.00 (Massachusetts Environmental Policy Act Regulations), this proposal does not require DEP to file an Environmental Notification Form (ENF). The regulations, as proposed, will not lessen the stringency of existing regulations, the purpose of which is to protect public health and the environment.

6.2 Impacts on Cities and Towns

Motor vehicle fuel dispensing facilities owned by local municipalities are subject to the proposed amendments to 310 CMR 7.24(6) unless the facility was installed before January 1, 1988, the system has not substantially modified since and has never dispensed more than 10,000 gallons of fuel in any one month. Depending on the type of Stage II system installed, DEP estimates that the added annual compliance testing cost to a subject city or town due to these proposed amendments would be between \$300 – 760 per facility.

6.3 Agricultural Impacts

Pursuant to the intent of Massachusetts General Law, Chapter 30A, Section 18, state agencies should evaluate the impact of proposed programs on agriculture within the Commonwealth.

The proposed revisions include a regulatory correction to the Stage II program. The proposed amendment to 310 CMR 7.24(6)(a)4. would exempt stationary motor vehicle fuel storage tanks that have less than 550 gallons capacity and are used exclusively for the fueling of implements of husbandry, provided the fuel storage tanks are equipped with submerged fill pipes. By adopting this exemption, the Stage II program would become consistent with 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel, which exempts such fuel storage tanks from regulation under the Stage I vapor recovery program.

6.4 Source Reduction

The proposed revisions to the Stage II program would have no significant impact on the Department's current source reduction initiatives. However, to reduce the general public's reliance of gasoline powered transportation sources, the Department is promoting the introduction and use of cleaner burning alternative fueled vehicles and a variety of transportation control measures including ridesharing and high occupancy vehicle lanes.

6.5 Public Participation

As required by state law, the Department gives notice and provides the opportunity to review background and technical information at least 21 days prior to proposing the regulation amendments at a public hearing. To satisfy the requirements of 40 CFR 51.102, DEP will provide at least 30 days. DEP will hold public hearings in Boston, Massachusetts and in Springfield, Massachusetts.

Appendix A. 310 CMR 7.24(6) As Proposed to be Amended.

PROPOSED AMENDMENTS TO 310 CMR 7.24(6)

PROPOSED REVISIONS TO DEFINITIONS TO 310 CMR 7.00

COMMENCE OPERATION as used in 310 CMR 7.24(6), means that point at which a motor vehicle fuel dispensing facility or tank truck, where a Stage II system has been installed or substantially modified, begins dispensing motor vehicle fuel for the purpose said facility or tank truck is intended.

EMERGENCY SITUATION as used in 310 CMR 7.24(6), means a situation in which a local, state, or federal official has declared a "state of emergency," or during fire fighting activities.

EXECUTIVE ORDER as used in 310 CMR 7.24(6), means a certification document, issued by the California Air Resources Board in accordance with the applicable certification procedures (Title 17 of the California Code of Regulations, section 94011, as amended April 12, 1996), approving a Stage II system for use.

SUBSTANTIAL MODIFICATION as used in 310 CMR 7.24(6), means the installation, repair, replacement or reconditioning of a motor vehicle fuel storage tank or the repair or replacement of a Stage II vapor collection and control system or part thereof, excluding routine maintenance in accordance with the terms and conditions of the Stage II system's currently applicable Executive Order.

STAGE II SYSTEM means a vapor collection and control system specifically designed for the purpose of controlling vapors during the direct dispensing of motor vehicle fuel to a motor vehicle and which was issued an Executive Order by the California Air Resources Board approving the system for use.

VACUUM ASSIST SYSTEM means a Stage II system utilizing a pump, blower, or other vacuum inducing device, to collect and, or, process vapors during the dispensing of motor vehicle fuel.

VAPOR BALANCE SYSTEM means a Stage II system utilizing direct displacement to collect and, or, process vapors during the dispensing of motor vehicle fuel.

PROPOSED REVISIONS TO 7.24(6) U DISPENSING OF MOTOR VEHICLE FUEL.

(a) Applicability and Installation Requirements

1. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed or substantially modified after November 1, 1989 shall correctly install, prior to commencing operation, a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order.
2. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility constructed before November 1,

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1989, that has not been substantially modified since November 1, 1989 shall install a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order, in accordance with the following schedule:

- a. by April 1, 1991 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is greater than or equal to 1,000,000 gallons of motor vehicle fuel; or
 - b. by April 1, 1992 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 1,000,000 gallons but greater than or equal to 500,000 gallons of motor vehicle fuel; or
 - c. by April 1, 1993 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is less than 500,000 gallons per year but is greater than or equal to 20,000 gallons in any one calendar month; or
 - d. by April 1, 1994, or 90 days after dispensing 10,000 gallons or more in any calendar month, whichever is later, for all other motor vehicle fuel dispensing facilities.
3. Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility which has not dispensed greater than 10,000 gallons of motor vehicle fuel in any one calendar month since January 1, 1988 shall maintain, on site at the facility, monthly records of the total number of gallons of motor vehicle fuel dispensed at said facility for the most recent rolling five year period.
4. Any person who owns, leases, operates or controls a tank truck engaged in the direct dispensing of motor vehicle fuel to a motor vehicle or portable container shall install, by September 1, 1995 or prior to commencing operation, whichever is later, a Stage II system that meets the terms and conditions of the system's currently applicable Executive Order. Tank trucks dispensing motor vehicle fuel to emergency motor vehicles or portable containers during fire fighting activities or a declared emergency situation are exempt from the requirements of 310 CMR 7.24(6).
5. Any person subject to 310 CMR 7.24(6) shall conspicuously post Stage II system operating instructions on both sides of all motor vehicle fuel dispensers. Such instructions shall include:
- a. a clear pictorial or written description of how to correctly dispense motor vehicle fuel using the installed Stage II system;

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b. a warning not to continue dispensing motor vehicle fuel ("topping-off") after automatic system shutoff has engaged; and

c. the telephone number of the Department's Stage II Consumer Hotline.

6. Stationary motor vehicle fuel storage tanks of less than 550 gallons capacity used exclusively for the fueling of implements of husbandry, provided the fuel storage tanks are equipped with submerged fill pipes, are exempt from the requirements of 310 CMR 7.24(6).

(b) Operation and Maintenance Requirements

1. Any person subject to 310 CMR 7.24(6) shall comply with the following operation and maintenance requirements.

a. Operate and maintain the installed Stage II system in accordance with the terms and conditions of the system's currently applicable Executive Order.

b. Upon the California Air Resources Board issuing a new or modified Executive Order applicable to the installed Stage II system, take such actions as necessary to comply with all applicable terms and conditions, including any implementation schedules set out in said new or modified Executive Order.

c. Perform a weekly visual inspection of the Stage II system components to determine if such components are correctly installed, functioning and unbroken in accordance with the terms and conditions of the system's currently applicable Executive Order. Each visual inspection shall include, but not be limited to inspection of: nozzle boots and splash/vapor guards; hoses; hose retractors, coaxial adaptors, dry breaks, fill caps and gaskets, vapor recovery caps and gaskets, spill containment boxes and drain valves.

d. Upon determining a Stage II system component is incorrectly installed, nonfunctioning or broken, immediately remove said component from service, conspicuously post "Out of Order" signs on said component, and, within 14 days, re-install, repair or replace the component in accordance with the terms and conditions of the system's currently applicable Executive Order.

2. A visual inspection of a Stage II system to meet the requirements of 310 CMR 7.24(6)(b)1.c. may be performed only by a person who is trained to operate and maintain the Stage II system in accordance with the terms and conditions of the system's currently applicable Executive Order. Each person subject to 310 CMR 7.24(6) shall maintain a current record of all persons trained

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as per 310 CMR 7.24(6)(c)2. Such record shall be maintained on site or, for tank trucks, at the address from which the tank truck is principally operated, and shall include the following: i. the date training was received; ii. the trainee's printed name; and iii. the personal signature of the trainee acknowledging receipt of the training.

3. Any person subject to 310 CMR 7.24(6) shall maintain all Stage II system maintenance records on site for the most recent rolling twelve month period. Such maintenance records for tank trucks shall be maintained at the address from which the tank truck is principally operated.

a. Stage II system maintenance records shall be maintained in a log and shall include the following:

i. the date of actual performance of each visual inspection;

ii. an itemization of all Stage II system components re-installed, repaired or replaced;

iii. the signature of the person who performed each visual inspection;

iv. the date and first result of each in-use compliance test, performed pursuant to 310 CMR 7.24(6)(c)2. and 3. as applicable; and

v. the date each in-use compliance test, performed pursuant to 310 CMR 7.24(6)(c)2. and 3. as applicable, was performed and passed.

4. All records maintained pursuant to 310 CMR 7.24(6)(b) shall be made available to the Department or the US EPA immediately upon the request of either.

(c) Compliance Testing and Certification Requirements

1. Installation Compliance Certification. Any person subject to 310 CMR 7.24(6) who installs or makes a substantial modification to a Stage II system after **(the effective date of the regulations)**, prior to commencing operation, shall perform and pass installation compliance tests pursuant to 310 CMR 7.24(6)(c)1.b. and submit to the Department a fully completed and signed Installation Compliance Certification, on a form obtained from the Department, attesting to the following:

a. the installed or substantially modified Stage II system was correctly installed or substantially modified in compliance with 310 CMR 7.24(6)(a);

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b. the following installation compliance tests, as applicable, were performed in accordance with 310 CMR 7.24(6)(c)5.:

i. Vapor balance systems: Pressure Decay Test and Dynamic Pressure/Liquid Blockage Test;

ii. Vacuum assist systems: Pressure Decay Test, Air-to-Liquid Ratio Test and Dynamic Pressure/ Liquid Blockage Test; or

iii. Alternative installation compliance tests that both are specified in the terms and conditions of the installed system's currently applicable Executive Order and are approved by the Department in program guidance issued prior to performance of the alternative tests; and

c. the applicable installation compliance tests were performed and were passed not more than 30 days prior to the date postmarked on the envelope used to submit the certification to the Department.

2. Vacuum Assist 120 Day In-Use Compliance Certification. Any person subject to 310 CMR 7.24(6) who installs or makes a substantial modification to a vacuum assist Stage II system after **(the effective date of the regulations)** shall perform in-use compliance tests pursuant to 310 CMR 7.24(6)(c)2.b. and shall submit to the Department, not more than 120 days after the date postmarked on the envelope used to submit to the Department the certification required by 310 CMR 7.24(6)(c)1., a fully completed and signed In-Use Compliance Certification, on a form obtained from the Department, attesting to the following:

a. the installed vacuum assist Stage II system is correctly operated and maintained in accordance with 310 CMR 7.24(6)(b);

b. the following in-use compliance tests were performed in accordance with 310 CMR 7.24(6)(c)5.:

i. Air-to-Liquid Ratio Test;

ii. Pressure Decay Test; or

iii. Alternative in-use compliance tests that both are specified in the terms and conditions of the installed system's currently applicable Executive Order and are approved by the Department in program guidance issued prior to performance of the alternative tests; and

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c. the in-use compliance tests were performed and were passed between 90 and 120 days after the date postmarked on the envelope used to submit to the Department the Installation Compliance certification required by 310 CMR 7.24(6)(c)1.

3. Annual In-Use Compliance Certification. Any person subject to 310 CMR 7.24(6) shall annually perform in-use compliance tests pursuant to 310 CMR 7.24(6)(c)3.b. and shall annually submit to the Department a fully completed and signed In-Use Compliance Certification, on a form obtained from the Department, attesting to the following:

a. the installed Stage II system is correctly operated and maintained in accordance with 310 CMR 7.24(6)(b);

b. the following in-use compliance tests, as applicable, were performed in accordance with 310 CMR 7.24(6)(c)5.:

i. Vapor balance systems.

Annual in-use compliance test: Pressure Decay Test.

Every third year in-use compliance test: Dynamic Pressure/Liquid Blockage Test;

ii. Vacuum assist systems.

Annual in-use compliance tests: Pressure Decay Test; and Air-to-Liquid Ratio Test.

Every third year in-use compliance test: Dynamic Pressure/Liquid Blockage Test; or

iii. Alternative in-use compliance tests that both are specified in the terms and conditions of the installed system's currently applicable Executive Order and are approved by the Department in program guidance issued prior to performance of the alternative tests; and

c. The applicable in-use compliance tests were performed and were passed not more than 30 days prior to the date postmarked on the envelope used to submit the certification to the Department.

4. Annual In-Use Compliance Certification Submittal Requirements. The annual submittal date for certifications required pursuant to 310 CMR 7.24(6)(c)3. is no later than:

a. For persons subject to 310 CMR 7.24(6) who install or make a substantial modification to a Stage II system on or after **(the effective date of the regulations)**, the anniversary of the date postmarked on the envelope used to submit to the Department the Installation Compliance certification required by 310 CMR 7.24(6)(c)1.; and

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- b. For all other persons subject to 310 CMR 7.24(6), **(the date 16 months after the effective date of the regulations)**, or a date otherwise provided by the Department, whichever is earlier. Persons subject to 310 CMR 7.24(6)(c)4.b. who are provided an annual submittal date by the Department, shall be notified of their first annual submittal date and required in-use compliance tests pursuant to 310 CMR 7.24(6)(c)3.b., no less than 90 days prior to the first annual submittal date established by the Department.
- c. Upon request of any person subject to 310 CMR 7.24(6), the Department may revise said person's annual certification submittal date. Such revision shall set a revised annual submittal date that is no more than 12 months after the otherwise applicable submittal date.
5. Compliance certification tests performed to meet the requirements of 310 CMR 7.24(6)(c) shall be performed only by a person or Stage II compliance testing company that has submitted to the Department a Stage II Compliance Testing Company Notification in accordance with 310 CMR 7.24(6)(e)1. and shall be performed in accordance with the applicable compliance testing protocols and procedures required by 310 CMR 7.24(6)(e) 5. and 6.
6. Failure To Pass A Required In-Use Compliance Test. Any person who owns, leases, operates or controls an installed Stage II system that fails one or more in-use compliance test(s) shall repair the system so that it meets the terms and conditions of the system's currently applicable Executive Order and shall re-test and pass the said in-use compliance test(s) within 14 days of the date the Stage II system failed said test(s). If the Stage II system is not repaired and does not pass the applicable in-use compliance test(s) within those 14 days, then the person shall stop dispensing motor vehicle fuel and shall conspicuously post "Out of Order" signs on all motor vehicle fuel dispensers. Dispensing of motor vehicle fuel shall not resume until the system is repaired and passes the applicable test(s) in accordance with 310 CMR 7.24(6)(c)3.
7. Any certification submitted by a person subject to 310 CMR 7.24(6) pursuant to 310 CMR 7.24(6)(c) shall be signed by an individual who is a responsible official regarding the Stage II system, who shall attest to the following:

a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties

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for submitting false information, including possible fines and imprisonment;

b. that systems to maintain compliance are in place at the facility or, if applicable, at the location from which the tank truck is principally operated and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and

c. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

8. Any person subject to 310 CMR 7.24(6), upon written notice from the Department, shall perform such compliance tests as the Department determines necessary to demonstrate the Stage II system is installed and maintained in accordance with the terms and conditions of the system's currently applicable Executive Order and shall submit the results to the Department within 14 days of the performance of said tests.

(d) Notification Requirements.

1. Any person, upon entering into a purchase, lease or other contractual agreement by which said person becomes the owner, operator, lessee or controller of an existing motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) shall submit to the Department, within 30 days of the effective date of becoming such an owner, operator, lessee or controller, a fully completed Stage II Change of Owner, Operator, Lessee or Controller Notification on a form obtained from the Department.

a. The notification shall include the following:

i. the name of the new Stage II system owner, operator, lessee or controller and related business documentation, including the name and address of the facility where the Stage II system is located or from which the tank truck is principally operated;

ii. the date the change of owner, operator, lessee or controller occurred.

b. Any notification shall be signed by the individual who is a responsible official for the new owner, operator, lessee or controller regarding the Stage II system, who shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the

PROPOSED AMENDMENTS TO 310 CMR 7.24(6)

information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

2. Any person subject to the requirements of 310 CMR 7.24(6) who removes an existing motor vehicle fuel dispensing facility or tank truck from service and intends to terminate that person's obligations under 310 CMR 7.24(6) regarding the facility or tank truck shall submit a fully completed and signed Stage II System Closure Certification to the Department, on a form obtained from the Department.

a. The closure certification shall include the following:

i. the name of the Stage II system owner, operator, lessee or controller and related business documentation, including the name and address of the facility where the Stage II system was located or from which the tank truck was principally operated;

ii. the Stage II Facility Customer Code number for the applicable facility or tank truck; and

iii. attestation that all motor vehicle fuel storage tanks or dispensers have been removed.

b. Each closure certification shall be signed by an individual who is a responsible official regarding the Stage II system, who shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. I am fully authorized to make this attestation on behalf of this facility or tank truck, as applicable.

c. A motor vehicle fuel dispensing facility or tank truck subject to the requirements of 310 CMR 7.24(6), where the motor vehicle fuel storage tank(s) or dispenser(s) have been removed, is no longer subject to 310 CMR 7.24(6) as of the

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date postmarked on the envelope used to submit the closure certification to the Department.

(e) Compliance Testing Company Requirements

1. On or after **(the effective date of the regulations)**, any person who owns, leases, operates or controls a company that performs Stage II compliance tests to meet the requirements of 310 CMR 7.24(6)(c) shall submit to the Department a fully completed Stage II Compliance Testing Company Notification, on a form obtained from the Department, prior to performing any required Stage II compliance test.

a. the notification shall include the following:

i. the name and business mailing address of the Stage II compliance testing company owner, operator, lessee or controller;

ii. the name and address of any business that is engaged in the installation or substantial modification of Stage II systems and is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;

iii. the name and address of any motor vehicle fuel dispensing facility or tank truck subject to 310 CMR 7.24(6) that is owned, operated, leased or controlled by, or affiliated with the owner, operator, lessee or controller of the compliance testing company;

iv. the address and telephone number of the facility(ies) from which the daily compliance testing activities of the compliance testing company originate and at which any records required by 310 CMR 7.24(6)(e)9. are maintained; and

v. a written description of the employee training systems in place at the compliance testing company to ensure required compliance tests are performed in accordance with applicable protocols and procedures, pursuant to 310 CMR 7.24(6)(e)5. and 6.

b. each notification shall be signed by an individual who is a responsible official regarding the compliance testing company, who shall attest to the following:

i. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the

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information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment;

ii. Employee training systems are in place at the company to ensure Stage II compliance tests are performed in accordance with all applicable protocols and procedures and such training systems will be maintained for the coming year even if the protocols and procedures are changed over the course of the year; and

iii. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing company.

2. Any person subject to the requirements of 310 CMR 7.24(6)(d) shall notify the Department in writing of any change to the information submitted to the Department pursuant to 310 CMR 7.24(6)(e)1. within 14 days of the effective date of such change. Upon the Department's written request, the person shall submit a fully revised and completed notification to the Department in accordance with the requirements of 310 CMR 7.24(6)(e)1.

3. No person subject to 310 CMR 7.24(6)(e) shall perform any Stage II compliance test unless said person has first been trained in accordance with the applicable compliance test protocols and procedures required pursuant to 310 CMR 7.24(6)(e)5. and 6.

4. Any person subject to the requirements of 310 CMR 7.24(6)(e) shall submit, at least once every two weeks, a written list to the Department identifying all motor vehicle fuel dispensing facilities and tank trucks at which the company is scheduled to perform required Stage II compliance test(s) over the next 14 day period.

a. The list shall be organized by Department Region and date, and shall include the name and address of each facility or tank truck to be tested, the applicable section under 310 CMR 7.24(6)(c)1., 2. or 3. the required compliance tests shall be performed, and the estimated time that the company expects to arrive at the facility location.

b. The Department shall be notified, in writing, of any change of date of an individual facility's scheduled compliance tests no later than 9a.m. of the day the scheduled test(s) is to occur. Additions to a submitted compliance testing schedule shall be submitted to the Department, in writing, no less than two working days prior to the date of any scheduled test.

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- c. Failure to comply with the notification requirements of 310 CMR 7.24(6)(e)2. may be the basis for the Department to determine that tests conducted after inadequate notice are invalid.
5. Any person subject to 310 CMR 7.24(6)(e) shall perform compliance tests to meet the requirements of 310 CMR 7.24(6)(c) only upon confirmation that:
- a. all above ground Stage II system components including, but not limited to: dispensers; nozzles; swivels; hose retractors; hoses; breakaways; vapor check valves; and the pressure/vacuum valve(s) are installed as required and are the correct components in accordance with the terms and conditions of the system's currently applicable Executive Order; and
 - b. all motor vehicle fuel dispensing facilities with two or more motor vehicle fuel storage tanks are properly manifolded in accordance with the terms and conditions of the system's currently applicable Executive Order.
6. Any person subject to 310 CMR 7.24(6)(e), shall perform Stage II compliance tests to meet the requirements of 310 CMR 7.24(6) only in accordance with the applicable California Air Resources Board test procedures cited below, subject to the exceptions as cited:
- a. Pressure Decay Test (TP-201.3A). The following exceptions shall be made from test procedure TP-201.3A:
 - i. pressure decay tests shall be conducted at 5.8oz/in² or 10 inches of water column; and
 - ii. P/V relief vents shall be tested to be within .29oz/in² or 0.5 inches of water column of the designed pressure and within 1.2oz/in² or 2.0 inches of water column of the vacuum settings.
 - b. Air-to-Liquid Volume Ratio Test (TP-201.5).
 - c. Dynamic Pressure/Liquid Blockage Test (TP-201.4).
 - d. Other applicable compliance test(s) that are both approved by the California Air Resources Board and approved by the Department in program guidance issued prior to their use.
7. Any person subject to 310 CMR 7.24(6)(e) shall certify to the Department that each compliance test performed to meet the requirements of 310 CMR 7.24(6)(c) was performed in accordance with 310 CMR 7.24(6)(e) 5. and 6. The required certification shall

PROPOSED AMENDMENTS TO 310 CMR 7.24(6)

be submitted on the applicable Stage II Installation Certification or In-Use Compliance Certification submitted pursuant to 310 CMR 7.24(6)(c), as applicable. The required certification shall include:

a. the date each compliance test was first performed and the result; and

b. the date each compliance test was performed and passed.

8. Each certification submitted pursuant to 310 CMR 7.24(6)(e)7. shall be fully completed and signed by an individual who is a responsible official regarding the compliance testing company, who shall attest to the following:

a. I certify that I personally examined the foregoing and am familiar with the information contained in this document and all the attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and

b. I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing company.

9. Any person subject to 310 CMR 7.24(6)(e) shall maintain the following records on site, for a minimum of five years, at the location(s) referenced on the form submitted pursuant to 310 CMR 7.24(6)(e)1.a.iii:

a. A complete set of records of compliance tests performed to meet the requirements of 310 CMR 7.24(6)(c). Such records shall include, by facility address:

i. the date and first result for each required test performed;

ii. the date each test was performed and passed; and

iii. an itemized list of all Stage II system components re-installed, repaired or replaced as necessary for the system to pass the applicable test(s).

b. A current record of all persons or employees trained in accordance with 310 CMR 7.24(6)(e)3. Such record shall include the following: i. the date training was received; ii. the person or employee's printed name; and iii. the personal signature of the person or employee acknowledging receipt of required training.

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10. All records maintained pursuant to 310 CMR 7.24(6)(e)9. shall be made available to the Department or the US EPA immediately upon the request of either.

(f) Violations of 310 CMR 7.24(6)

1. For any person subject to 310 CMR 7.24(6) it shall be a violation of 310 CMR 7.24(6) to:

a. fail to submit any certification or notification required pursuant to 310 CMR 7.24(6) as applicable;

b. make any false, inaccurate, incomplete or misleading statements in any certification or notification required pursuant to 310 CMR 7.24(6);

c. make any false, inaccurate, incomplete or misleading statements in any record, report, plan, file, log or register which said person is required to keep pursuant to 310 CMR 7.24(6);

d. hold themselves out as a responsible official in violation of the applicable requirements pursuant to 310 CMR 7.24(6);

e. fail to comply with any applicable standards imposed under 310 CMR 7.24(6); or

f. violate any other provision of 310 CMR 7.24(6).

(g) The provisions and requirements of 310 CMR 7.24 (6)(a) and (b) are subject to the enforcement provisions specified in 310 CMR 7.52.

Appendix B. New Stage II Program Certification and Submittal Forms.

These forms are for information purposes only. Although they are not subject to a public hearing, the Department would appreciate comments and suggestions, especially regarding clarity and format.

Form 1: Installation / Substantial Modification Certification

A

Stage II System Documentation

To be fully completed by the Stage II system responsible official only

1. Facility Location

Name of Facility at which Stage II System is Installed

Facility Address

City

State

Zip Code

2. Stage II System Owner, Lessee, Operator, or Controller

Name of Stage II System Owner, Lessee, Operator, or Controller

Business Mailing Address of Stage II System Owner, Lessee, Operator or Controller

City

State

Zip Code

Name of Stage II System Responsible Official

Telephone Number

3. Stage II System Status

a. i. Will the Annual Stage II Compliance Assurance Fee be billed to the business mailing address cited above?

☐ Yes

☐ No

ii. If no, please provide below the name and address to whom the bill should be sent.

Name of Person to whom annual Stage II Compliance Assurance Fee will be billed

Address

City

State

Zip Code

b. This form is submitted in response to (Check One):

☐ i. The installation or use of a Stage II system, where no Stage II system previously existed.

☐ ii. The substantial modification of an existing Stage II system

c. Installed Stage II System CARB Executive Order #

d. Fuel dispensed to:

☐ Private Fleet Only

☐ General Public

e. Anticipated amount of gasoline dispensed annually (in gallons):

☐ Greater than 1,000,000

☐ 120,000 to 239,999

☐ 500,000 to 999,999

☐ Less than 120,000

☐ 240,000 to 499,999

Form 1: Installation / Substantial Modification Certification

B Compliance Testing Company Certification

To be fully completed by the Stage II Compliance Testing Company Responsible Official only

Name of Stage II Compliance Testing Company

Department of Environmental Protection Stage II Compliance Testing Company ID# _____

Installed Stage II System CARB Executive Order # _____

1. As per 310 CMR 7.24(6)(e) 5. a. and b., prior to performing any required compliance test, all above ground components and applicable tank manifolds of the Stage II system have been confirmed to be installed as required and are the correct components in accordance with the terms and conditions of the system's currently applicable Executive Order. ☐ Yes ☐ No

2. Each required installation compliance certification test has been performed in accordance with the applicable test procedure cited in 310 CMR 7.24(6)(e) 6. ☐ Yes ☐ No

3. As per 310 CMR 7.25(6)(e) 7.b., the date all applicable compliance test(s) were performed and passed, as required. _____ / _____ / _____

In accordance with 310 CMR 7.24(6)(e) 8., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and **(b)** I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.

Signature of Stage II Compliance Testing Company Responsible Official

Date

C Stage II Facility Compliance Certification

To be completed by the Stage II system responsible official only

1. As per 310 CMR 7.24(6)(a)1., the applicable Stage II system has been installed or substantially modified in accordance with the terms and conditions of the Stage II system's currently applicable Executive Order. ☐ Yes ☐ No

2. As per 310 CMR 7.24(6)(b)2., the person(s) or employee(s) performing required weekly visual inspection of the Stage II system have been trained to effectively operate and maintain the Stage II system in accordance with the terms and conditions of the system's currently applicable Executive Order ☐ Yes ☐ No

3. As per 310 CMR 7.24(6)(b)2. a. and CMR 7.24(6)(b)3., systems are in place to maintain employee training and Stage II system maintenance records on site, as required. ☐ Yes ☐ No

4. As per 310 CMR 7.24(6)(c)1., prior to commencing operation, all applicable installation compliance certification tests were performed and passed. ☐ Yes ☐ No

5. As per 310 CMR 7.24(6)(c)1., c. required installation compliance tests were performed and passed not more than 30 days prior to the date postmarked on the envelope used to submit this certification. ☐ Yes ☐ No

In accordance with 310 CMR 7.24(6)(c) 7., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems to maintain compliance are in place at the facility and will be maintained for the coming year even in the processes or operating procedures are changed over the course of the year; and **(c)** I am fully authorized to make this attestation on behalf of the facility.

Signature of Stage II System Responsible Official

Date

Form 2: In-Use Compliance Certification

○ Please provide any necessary corrections or additions in the space to the right of the item

City, State, ZIP: ANYTOWN, MA 01010

Does the legally responsible party listed above ALSO pay the facility's Stage II fuel Dispenser annual compliance fee? YES

If the facility has stopped dispensing gasoline AND removed all fuel dispensers or gasoline storage tanks, please provide the date the dispensers or tanks were removed: / /

1. Pressure Decay

1 of 3

Form 2: In-Use Compliance Certification

C Compliance Testing Company Certification

To be fully completed by the Stage II Compliance Testing Company Responsible Official only

Name of Stage II Compliance Testing Company

Department of Environmental Protection Stage II Compliance Testing Company ID# _____

Installed Stage II System CARB Executive Order # _____

1. As per 310 CMR 7.24(6)(e) 5. a. and b., prior to performing any required compliance test, all above ground components and as required and are the correct components applicable tank manifolds of the Stage II system have been confirmed to be installed in accordance with the terms and conditions of the system's currently applicable Executive Order.

☐ Yes

☐ No

2. Each required installation compliance certification test has been performed in accordance with the applicable test procedure cited in 310 CMR 7.24(6)(e) 6.

☐ Yes

☐ No

3. Compliance Tests

As per 310 CMR 7.24(6)(e) 7.a. and b., for each required compliance test, the:

	Date each test first performed	Result of first test (Pass/Fail)	Date each test performed and passed
a. Pressure Decay Test	/ /	_____	_____
b. Dynamic Pressure/Liquid Blockage	/ /	_____	_____
c. Air-to-Liquid Ratio Test	/ /	_____	_____
d. Alternative (see instruction sheet)	/ /	_____	_____

In accordance with 310 CMR 7.24(6)(d) 8., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and **(b)** I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.

Signature of Stage II System Compliance Testing Company Responsible Official

Date

D Stage II Facility Compliance Certification

To be completed by the Stage II system responsible official only

1. As per 310 CMR 7.24(6)(b) 1. a., the Stage II system has been correctly operated and maintained in accordance with the terms and conditions of the system's currently applicable Executive Order.

☐ Yes

☐ No

2. As per 310 CMR 7.24(6)(b) 1. c, weekly visual inspections of the Stage II system components were performed .

☐ Yes

☐ No

3. As per 310 CMR 7.24(6)(b) 3., records of required visual inspection, compliance tests and Stage II system components required to be re-installed, repaired or replaced were maintained.

☐ Yes

☐ No

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Stage II Vapor Recovery Program
Form 2: In-Use Compliance Certification

4. As per 310 CMR 7.24(6)(c) 2. or 3., as required all applicable In-Use Compliance Tests were performed and passed as required.

☐ Yes

☐ No

In accordance with 310 CMR 7.24(6)(c)7., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems to maintain compliance are in place at the facility and will be maintained for the coming year even in the processes or operating procedures are changed over the course of the year; and **(c)** I am fully authorized to make this attestation on behalf of this facility.

Signature of Stage II System Responsible Official

_____/_____/_____
Date

Form 3: Change of Owner, Operator, Lessee or Controller Notification

A New Stage II Facility Documentation

1. Facility Location

Name of Facility at which Stage II System is Installed

Facility Address

City

State

Zip Code

2. Stage II System Owner, Lessee, Operator, or Controller

Name of New Legally Responsible Stage II System Owner, Lessee, Operator, or Controller

Business Mailing Address of Legally Responsible Stage II System Owner, Lessee, Operator or Controller

City

State

Zip Code

Name of Stage II System Responsible Official

Telephone Number

Date the change of Owner, Lessee, Operator or Controller occurred

/ /

3. Stage II System Status

a. Will the Annual Stage II Compliance Assurance Fee be billed to ☐ Yes ☐ No
the business mailing address cited above?

b. If no, please provide below the name and address to whom the bill should be sent.

Addressee to whom annual Stage II Compliance Assurance Fee will be billed

Facility Address

City

State

Zip Code

B Compliance Certification

To be fully completed by the Stage II system responsible official only

In accordance with 310 CMR 7.24(6)(d) 1. b., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems to maintain compliance are in place at the facility and will be maintained for the coming year even in the processes or operating procedures are changed over the course of the year; and **(c)** I am fully authorized to make this attestation on behalf of the facility.

Signature of Stage II System Responsible Official

Date

Form 4: Stage II System Closure Certification

A **Former Stage II Facility Documentation** To be fully completed by the Stage II system responsible official only

1. Facility Location

Name of Facility at which Stage II System is Installed

Facility Address

City

State

Zip Code

2. Stage II System Owner, Lessee, Operator or Controller

Name of Stage II System Owner, Lessee, Operator or Controller

Business Mailing Address of Stage II System Owner, Lessee, Operator or Controller

City

State

Zip Code

Name of Stage II System Responsible Official

Telephone Number

3. Stage II System Status

A. The Stage II Facility Customer Code Number for the applicable Stage II facility: _____

B. Removal of motor vehicle fuel storage tanks or fuel dispensers. (Check Applicable)

☐ All motor vehicle fuel storage tanks have been removed

☐ All motor vehicle fuel dispensers have been removed

B **Compliance Certification** To be fully completed by the Stage II system responsible official only

In accordance with 310 CMR 7.24(6)(d) 2.b., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems to maintain compliance are in place at the facility and will be maintained for the coming year even in the processes or operating procedures are changed over the course of the year; and **(c)** I am fully authorized to make this attestation on behalf of the facility.

Signature of Stage II System Responsible Official

Date

Form 5: Stage II Compliance Testing Company Notification Form

A *Stage II Compliance Testing Company Documentation*

Name of Stage II Compliance Testing Company		Telephone Number
Business Mailing Address of Stage II Compliance Testing Company		FAX Number
City	State	Zip Code
Facility address of Stage II Compliance Testing Company (if different than business address above)		Telephone Number
City	State	Zip Code
Responsible Official		Telephone Number

B *Compliance Testing Company Business and Related Activities*

1. As per 310 CMR 7.24(6)(d)1.a.ii, does the person who owns, leases, operates or controls the subject Stage II Compliance Testing Company also own, operate, lease or control:

a. one or more motor vehicle fuel dispensing facilities in Massachusetts subject to 310 CMR 7.24(6)? ☐ Yes ☐ No

If yes, as Attachment A. provide the name and address of each such facility.

b. a company which installs or substantially modifies Stage II systems? ☐ Yes ☐ No

If yes, as attachment B. provide the name and business address of each such company.

2. As per 310 CMR 7.24(6)(d)1.e.ii., does the person who owns, leases, operates, or controls the subject Stage II Compliance Testing Company perform compliance tests, as per 310 CMR 7.25(6)c, on Stage II systems which have been installed or substantially modified by a company, which is owned, leased, operated or controlled by said person. ☐ Yes ☐ No

C *Stage II Compliance Testing Company Employee Training Systems.*

As per 310 CMR 7.24(6)(d)1.a.iv, as Attachment C. provide a description of Stage II employee training systems in place at the Stage II Compliance Testing Company to ensure required compliance tests are performed in accordance with the compliance testing protocols and procedures referenced in 310 CMR 7.24(6)(e)5. and 6.

In accordance with 310 CMR 7.24(6)(e) 3., do all company employees receive Stage II employee training prior to performing the required Stage II compliance tests? ☐ Yes ☐ No

Form 5: Stage II Compliance Testing Company Notification Form

D Compliance Certification

In accordance with 310 CMR 7.24(6)(e) 1. b., I certify that **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** employee training systems are in place at the Stage II Compliance Testing Company to ensure required compliance tests are performed in accordance with the referenced protocols and procedures and such training systems will be maintained for the coming year, even if the protocols and procedures are changed over the course of the year; and **(c)** I am fully authorized to make this attestation on behalf of the Stage II Compliance Testing Company.

Signature of Stage II Compliance Testing Company Responsible Official

_____/_____/_____
Date

Appendix C. Currently Applicable Stage II Regulations and Definitions.

**CURRENTLY APPLICABLE STAGE II REGULATIONS AND DEFINITIONS (310 CMR 7.24(6)).
These regulations will be superseded by the amendments proposed in Appendix A, if adopted.**

DEFINITIONS

EMERGENCY MOTOR VEHICLE as used in 310 CMR 7.24(6) means any publicly or privately-owned motor vehicle used for the restoration or maintenance of electricity, gas, telephone, or other utilities essential to maintain public services during an emergency situation; any publicly-owned motor vehicle operated by a peace officer in performance of their duties; any authorized emergency motor vehicle used for fighting fires or responding to emergency fire calls; any publicly-owned authorized emergency motor vehicle used by an emergency medical technician or paramedic; any publicly or privately-owned motor vehicle under contract for snow removal; any publicly or privately-owned motor vehicle used for towing or servicing other emergency motor vehicles; or any ambulance used by a private entity under contract with a public agency.

EMERGENCY SITUATION as used in 310 CMR 7.24(6) means a condition in which power is not available for the operation of motor vehicle fuel dispensers and vapor collection and control equipment, or there is a threat of loss of essential public services due to a natural disaster, major storm event, or situation in which local, state, or federal officials have declared a "State of Emergency," or during fire fighting activity.

MOTOR VEHICLE FUEL means any petroleum distillate having a Reid Vapor Pressure of more than four pounds per square inch as determined by ASTM Method D323 and which is used primarily to power motor vehicles. This definition includes, but is not limited to, gasoline and mixtures of simple alcohols and gasoline.

MOTOR VEHICLE FUEL DISPENSING FACILITY means any facility where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 250 gallons or more.

SUBSTANTIAL MODIFICATION (for the purpose of 310 CMR 7.24(6)) means a modification of an existing motor vehicle fuel dispensing facility which involves the addition of one or more new motor vehicle fuel storage tanks or the repair, replacement or reconditioning of any motor vehicle fuel storage tank in existence prior to November 1, 1989.

TANK TRUCK means a truck or trailer equipped with a storage tank and used for the transport of motor vehicle fuel from sources of supply to stationary fuel tanks, or to motor vehicle fuel tanks.

VAPOR BALANCE SYSTEM means a combination of pipes, hoses and capture devices which create a closed system between the vapor space of an unloading tank and a receiving tank such that the vapors displaced from the receiving tank are transferred to the tank being unloaded. A vapor balance system shall include a vapor-tight line from the unloading tank to the receiving tank with closures that seal when disconnected, and a system that will ensure that the vapor line is connected before material can be transferred.

VAPOR COLLECTION AND CONTROL SYSTEM (for the purpose of 310 CMR 7.24(6)) means any system certified by the Department and which prevents discharge to the atmosphere of at least 95% by weight of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks. Vapor collection and control systems certified by the Department for installation and operation under the requirements of 310 CMR

CURRENTLY APPLICABLE STAGE II REGULATIONS AND DEFINITIONS (310 CMR 7.24(6)).
These regulations will be superseded by the amendments proposed in Appendix A, if adopted..

7.24(6) shall be listed periodically in the Massachusetts Environmental Protection Act office publication, the Environmental Monitor, issued in accordance with the provisions at 301 CMR 11.19.

(6) U Dispensing of Motor Vehicle Fuel.

(a) The requirements of 310 CMR 7.24(6) shall apply to:

1. Any motor vehicle fuel dispensing facility which has been constructed or substantially modified on or before November 1, 1989 and which at any time since January 1, 1988 has had a throughput of at least 10,000 gallons in any one calendar month;
2. Any motor vehicle fuel dispensing facility, regardless of throughput, which is constructed or substantially modified after November 1, 1989; and
3. Any tank truck used in the direct fueling of motor vehicles.

(b) Except as provided in 310 CMR 7.24(6)(a):

1. No person, owner, operator or employee of a motor vehicle fuel dispensing facility shall dispense, or allow the dispensing of, motor vehicle fuel from any motor vehicle fuel dispensing facility unless each motor vehicle fuel dispenser at the motor vehicle fuel dispensing facility is equipped with a properly operating vapor collection and control system.
2. No person shall dispense or allow the direct dispensing of motor vehicle fuel from a tank truck to a motor vehicle or portable container, unless that tank truck is in compliance with 310 CMR 7.24(6)(c) and equipped with a certified Stage II vapor collection and control system that is specifically approved for use on tank trucks for the purpose of directly fueling motor vehicles.
3. The requirements of 310 CMR 7.24(6)(b)2., shall apply to all tank truck owner/operators and all motor vehicle fuel facilities subject to 310 CMR 7.24(6), except during an emergency situation as defined in 310 CMR 7.00.
4. If an emergency situation occurs that necessitates the dispensing of motor vehicle fuel from tank trucks to emergency motor vehicles, as defined in 310 CMR 7.00, the tank truck owner/operator shall notify the Department by telephone within 48 hours of the start of dispensing motor vehicle fuel from tank trucks to emergency motor vehicles. The tank truck owner/operator shall also notify the Department in writing within seven days from the start of the emergency situation. The written report shall detail the following:
 - a. i. name of the owner/operator of the tank trucks;
 - ii. name of the owner/operator of the emergency motor vehicle(s); and
 - iii. nature and duration of the emergency situation.

CURRENTLY APPLICABLE STAGE II REGULATIONS AND DEFINITIONS (310 CMR 7.24(6)).
These regulations will be superseded by the amendments proposed in Appendix A, if adopted..

b. Reporting requirements pursuant to 310 CMR 7.24(6)(b)4. shall not apply to fire fighting activities.

5. The owner/operator of the emergency motor vehicles and the owner/operator of the tank trucks shall discontinue motor vehicle fueling from tank trucks to emergency motor vehicles upon remediation of the emergency situation.

(c) Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility, which is subject to 310 CMR 7.24(6), shall, in accordance with the applicable date provided for in 310 CMR 7.24(6)(d):

1. install and properly operate a certified vapor collection and control system, and make any other modifications to their facility necessary to comply with the requirements of 310 CMR 7.24(6);

2. notify and inform the Department prior to installation of the vapor collection and control system, on a form obtained from the Department, of the dates of installation and the specific type of vapor collection and control system to be installed.

3. ensure that, prior to initial operation of the vapor collection and control system, the operators and employees of the motor vehicle fuel dispensing facility have received training and instruction in the operation and maintenance of the vapor collection and control system;

4. maintain the vapor collection and control system such that it recovers at least 95% by weight of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel;

5. conspicuously post operating instructions for dispensing motor vehicle fuel using the vapor collection and control system in the motor vehicle fuel dispensing area. These instruction must at a minimum include;

a. a clear description of how to correctly dispense motor vehicle fuel using the system;

b. a warning not to attempt continued refueling after automatic shutoff;7.24:

c. a telephone number to report problems experienced with the vapor collection and control system to the Department; and

6. conspicuously post "Out of Order" signs on, any aboveground part of the vapor collection and control system which is not fully operative, until said vapor collection and control system has been repaired;

7. take any steps necessary to prohibit the use of any aboveground part of the vapor collection and control system which is not fully operative and otherwise in compliance with the performance standards of 310 CMR 7.24(6)(c)4.

CURRENTLY APPLICABLE STAGE II REGULATIONS AND DEFINITIONS (310 CMR 7.24(6)).

These regulations will be superseded by the amendments proposed in Appendix A, if adopted..

(d) Any motor vehicle fuel dispensing facility, which is subject to the requirements of 310 CMR 7.24(6), shall have a vapor collection and control system installed, and properly operating, in accordance with the following schedule(s):

1. Any motor vehicle fuel dispensing facility which is constructed or substantially modified after November 1, 1989 shall comply with the requirements of 310 CMR 7.24(6) at the completion of its construction or substantial modification, or April 1 1991, whichever is later.

2. Any motor vehicle fuel dispensing facility which has begun construction or substantially modification on or before November 1, 1989 shall comply with the requirements of 310 CMR 7.24(6), in accordance with the following schedule:

a. by April 1, 1991 where the annual (calendar year) throughput of the motor vehicle fuel dispensing facility is greater than or equal to 1,000,000 gallons of motor vehicle fuel; or

b. by April 1, 1992 where the annual throughput of the motor vehicle fuel dispensing facility is less than 1,000,000 gallons but greater than or equal to 500,000 gallons of motor vehicle fuel; or

c. by April 1, 1993 where the annual throughput of the motor vehicle fuel dispensing facility is less than 500,000 gallons per year but is greater than or equal to 20,000 gallons in any one calendar month; or

d. by April 1, 1994, or 30 days after dispensing 10,000 gallons in any calendar month, whichever is later, for all other motor vehicle fuel dispensing facilities subject to 310 CMR 7.24(6)(a).

e. by September 1, 1995 for tank trucks engaged in motor vehicle fueling.

(e) No person shall alter, modify, remove or otherwise render inoperative any element or component of the vapor collection and control system which would render it incapable of collecting at least 95% by weight of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel.

(f) Recordkeeping Requirements. Any person who owns, leases, operates or controls a facility subject to 310 CMR 7.24(6)(a) shall maintain records sufficient to demonstrate compliance. Records kept to demonstrate compliance shall be kept on site for at least five years, except that records of testing results under 310 CMR 7.24(6)(g) and (i) shall be kept permanently on site. All records shall be made available to representatives of the Department or EPA upon request. Such records shall include, but are not limited to:

1. a continuous record of all failures of the vapor collection and control system, including the type of failure, malfunction, the date the failure was first observed, and the date of repair;

2. records of all maintenance performed, including the type of maintenance and the date the maintenance was performed;

CURRENTLY APPLICABLE STAGE II REGULATIONS AND DEFINITIONS (310 CMR 7.24(6)).
These regulations will be superseded by the amendments proposed in Appendix A, if adopted..

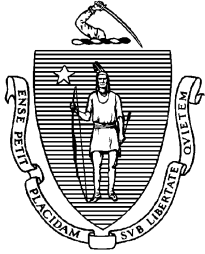
3. records of the daily and monthly throughputs of motor vehicle fuel;
4. the results and dates of any testing performed under 310 CMR 7.24(6)(g) or (i), and the identity of the person who performed such tests;
5. certification that facility operators and employees have received training in accordance with 310 CMR 7.24(6)(c)3.;
6. any and all permits, orders or licenses to operate issued for the facility by the Department;
7. a chronological file of any inspection reports or other compliance documents issued for the facility by the Department;
8. any other requirements specified by the Department in any approval(s) or order(s) issued to the person.

(g) Any person who owns, leases, operates or controls a motor vehicle fuel dispensing facility, subject to 310 CMR 7.24(6), shall, upon written notice from the Department and in accordance with methods approved by the Department and EPA, perform or have performed tests to demonstrate compliance with 310 CMR 7.24(6).

(h) The provisions and requirements of 310 CMR 7.24(6) are subject to the enforcement provisions specified in 310 CMR 7.52.

(i) Testing at Installation. On or after November 1, 1992, any person subject to 310 CMR 7.24(6)(a) who installs a vapor collection and control system, or replaces 75% or more of an existing vapor collection and control system, shall test, or have tested, prior to operation, the vapor collection and control system to ensure that the system has been properly installed. Such tests shall also be conducted at least once every five years over the entire lifetime of the vapor collection and control system. The DEP shall be notified at least two days prior to any tests. Liquid Blockage testing, Leak Check testing, and all other related testing for automatic shutoff and flow prohibiting mechanisms, as applicable, conducted in accordance with the methods listed in Appendix J of EPA document 450/3-91-022b, or other methods approved by the Department and EPA.

Appendix D. Public Hearing Notice.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

Public Hearing Notice

Notice is hereby given that the Department of Environmental Protection, acting in accordance with the provisions of M.G.L. Chapter 11, Section 142A through 142E, and in conformance with the Clean Air Act as amended November 1990, will hold a public hearing on the following proposed matters, to be applicable to all districts.

It is proposed to amend 310 CMR 7.24(6), Dispensing of Motor Vehicle Fuel (the Stage II Vapor Recovery program). The purpose of the proposed amendments to 310 CMR 7.24(6) is to revise certain regulatory requirements to ensure efficient and cost effective facility compliance with applicable program requirements.

Two public hearings will be conducted under the provisions of M.G.L. Chapter 30A.

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|-----------------------------------|---|
| 1. January 18, 2000 | 2. January 20, 2000 |
| 10:00 AM | 10:00 AM |
| Room B-42 | 2nd Floor, Room B. and C. |
| 436 Dwight Street | One Winter Street |
| Springfield, Massachusetts | Boston, Massachusetts |

Testimony may be presented orally and/or in writing at the public hearing. Parties are requested to provide three written copies of their testimony. Please submit written testimony to: Thomas DeNormandie, Department of Environmental Protection, Business Compliance Division, 9th Floor, One Winter St., Boston, MA 02108.

Copies of the proposed amendments and background document may be obtained at the following Department of Environmental Protection locations: Business Compliance Division, 9th Floor, One Winter St., Boston, MA; Northeast Regional Office, 205 A Lowell St., Wilmington, MA; Western Regional Office, 436 Dwight St., Springfield, MA; Central Regional Office, 627 Main St., Worcester, MA; Southeast Regional Office, 20 Riverside Dr., Lakeville, MA.

By order of the Department.
Lauren Liss, Commissioner
December 10, 1999

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

